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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/870,538

05/30/2001

James K. Prueitt

**BA-0330

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23377 7590 12/16/2009
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EXAMINER

BRUCKART, BENJAMIN R

ART UNIT

PAPER NUMBER

2446

MAIL DATE

DELIVERY MODE

12/16/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/870,538	Applicant(s) PRUEITT ET AL.	
	Examiner BENJAMIN R. BRUCKART	Art Unit 2446	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-46, 48-54 and 56-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 40-46, 48-54 is/are allowed.
- 6) ☒ Claim(s) 56-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4-17-09</u> . | 6) <input type="checkbox"/> Other: _____ |

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Detailed Action

Claims 40-46, 48-55, 57-62 are pending in this Office Action.

Claims 40, 48 and 56 are amended.

Claims 1-39, 47, 55, 62 are cancelled.

Formal Drawings

The formal drawings received on 5/30/01 have been entered.

Specification

The objection to the specification is withdrawn in light of applicant's amendment to the specification.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The claim states a 'tangible' computer readable medium. The examiner can find no definition of the term tangible within the specification.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 56-62 remain rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 56-62 are drawn to a 'tangible' computer readable medium comprising instructions for performing the steps of the invention.

The medium itself is not limited to statutory subject matter. Per publication para 76, the specification defines the medium or media to include non-statutory subject matter such as carrier

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waves, signals and carrier waves. Because the medium is defined to non-statutory subject matter, the claim is rejection. The term tangible is not defined within the specification. See the argument presented below. The examiner suggests amending the claims to be include 'a computer readable non-transitory medium.'

Allowable Subject Matter

Claims 40-46 and 48-54 are allowed.

REASONS FOR ALLOWANCE

The following is the examiner's statement of reasons for allowance:

Independent claims 40, 48, and 56, among other things, teach: generating a permanent record of a service provided to a user at a location of a mobile device by receiving a request and information identifying a particular printer where the record is to be printed, processing the request by generating data for printout of the permanent record; the data comprising a digital image comprising pixels; transmitting the generated data to the print server where the print server is to modify the data for printout based on the characteristics of the specific printer and transmit the modified data for the printout to the mobile device of the server, wherein the modification of the data comprises an adaptive halftone method; wherein the modification of the data comprises utilizing an adaptive halftone method; the data for the printout of the permanent record comprises a digital image, wherein each pixel is represented by an input value, and wherein the modification of the data for the printout of the permanent record comprises: filtering the data to generate a filtered value for each pixel; obtaining the difference between the filtered value of each pixel and the input value of each pixel; determining a threshold based on the obtained differences; and generating an output value for each pixel based on the threshold and the input value of each pixel across a computer networking environment.

REMARKS

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Applicant has cancelled claims 47, 55 and 62 and amended the independent claims to include such limitations.

With respect to the 101 rejection, the examiner finds the word tangible to be not persuasive. While page 12 of the remarks, the applicant argues that tangible cannot include such transmission forms of communication, the examiner can not find direct support for said word in the specification. While the statements provided seem to indicate that the claimed subject matter is not to encompass such transitory forms of communication, the examiner recommends amending the claims to include 'a computer readable non-transitory medium.' The broadest reasonable interpretation allows for mediums such as signals and carrier waves to embody data within themselves when being transmitted. Because of this interpretation, the claim is still nonstatutory. While the provided examples of are statutory in nature, they are merely examples and are not limiting to the claim language. If this is unclear, please contact the examiner for a more detailed explanation.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BENJAMIN R. BRUCKART whose telephone number is (571)272-3982. The examiner can normally be reached on 9:00-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey C. Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin R Bruckart
Primary Examiner
Art Unit 2446

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